



410960

RECEIVED JUL 24 2012 *Spd*

Baker Hostetler

Baker&amp;Hostetler LLP

SunTrust Center, Suite 2300  
200 South Orange Avenue  
Post Office Box 112  
Orlando, FL 32802-0112T 407.649.4000  
F 407.841.0168  
www.bakerlaw.com

June 11, 2012

William L. Pence  
direct dial: 407.649.4095  
wpence@bakerlaw.com

VIA UPS

Sharon Jaffess  
Chief  
Superfund Enforcement and Compliance Assurance Branch  
U.S. EPA Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590**Re: Request for Information Pursuant to Section 104 of CERCLA for the  
Texas Township Drum Site in Kalamazoo, Kalamazoo County, Michigan;  
CERCLIS ID: MIN 000510313**

Dear Ms. Jaffess:

This letter is written in response to the United States Environmental Protection Agency's ("EPA") CERCLA §104(e) Information Request, received on May 21, 2012 by Stephen Briggs, President, Berry College ("Berry"). This firm has been engaged as special environmental counsel to Berry for the purpose of assisting in the preparation of Berry's response to the CERCLA §104(e) Information Request. The CERCLA §104(e) Information Request seeks information in connection with EPA's investigation of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Texas Township Drum Site, located in Kalamazoo, Kalamazoo County, Michigan (the "Site"). Specifically, the EPA inquires about whether Berry has ever engaged Chemical Assistance, Inc., Environmental Network, Inc., or Donald Haugen for the purpose of arranging for the storage, treatment or disposal of waste materials.

Berry's responses to the Information Request that are enclosed herewith are based upon knowledge and information possessed by Berry as of the date of the submission of this response. Berry has made reasonable inquiry to secure such information as was readily obtainable within the time constraints imposed by EPA for the preparation of this response, including informal conversations with current employees who Berry identified as having knowledge related to wastes generated by Berry during relevant time periods. As reflected in Berry's responses to the Information Request, after diligent inquiry, Berry has not been able to identify any records, employee knowledge or contractor knowledge of any relationship between Berry and Donald Haugen, Chemical Assistance, Inc., or Environmental Network, Inc.

Sharon Jaffess

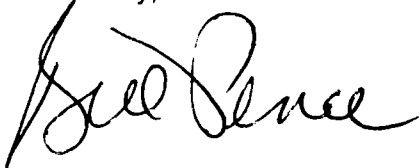
June 11, 2012

Page 2

Any information obtained through discussions with current Berry employees shall not be considered an admission of Berry of any violation or liability under federal, state or common law. Berry reserves its right to challenge the factual validity or legal significance of any such information. Berry does not waive any rights to re-interview such individuals or to call such individuals as its witnesses in any future legal actions concerning Berry.

In compliance with EPA's Information Request, Berry is timely providing the requested information to the best of its ability, within the time constraints and limitations provided herein. If further information is required or clarification is requested, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Pence", written in a cursive style.

William L. Pence

cc: R. Daniel Price, Esq., Berry College (via email; w/enclosures)

Texas Township Drum Site, Kalamazoo, Michigan

QUESTIONS

***All responses submitted by Berry College ("Berry") are subject to those reservations, limitations and qualifications set forth in the attached cover letter addressed to Sharon Jaffess, dated June 11, 2012. All capitalized terms used herein and not otherwise defined shall have the meaning ascribed to such terms in the attached cover letter.***

9. Identify all persons consulted in the preparation of the answers to these Information Requests.

*The following persons were consulted in the preparation of the answers to these Information Requests:*

- a) Name: Eddie Elsberry  
Current Position: Director of Environmental Compliance and Sustainability, Berry College  
Telephone: (706) 368-5627  
Address: Berry College, P.O. Box 495053, 2277 Martha Berry Hwy, Mount Berry, GA 30149.
- b) Name: R. Daniel Price  
Current Position: General Counsel, Berry College  
Telephone: (706) 368-5644  
Address: Berry College, P.O. Box 495053, 2277 Martha Berry Hwy, Mount Berry, GA 30149.
- c) Name: John Teague  
Current Position: Vice President, Evergreen Waste LLC  
Telephone: (770) 739-5600  
Address: 650 Fairburn Road SW, Atlanta, GA 30331
- d) Name: Amanda Hardage  
Current Position: Chemistry Lab Supervisor, Berry College  
Telephone: (706) 232-5374  
Address: Berry College, P.O. Box 495053, 2277 Martha Berry Hwy, Mount Berry, GA 30149.
- e) Name: George R. Gallagher  
Current Position: Dana Professor and Chair, Department of Animal Science, Berry College  
Telephone: (706) 232-5374  
Address: Berry College, P.O. Box 495053, 2277 Martha Berry Hwy, Mount Berry, GA 30149.

- f)     *Name: Joey Morgan*  
          *Current Position: Biology Lab Supervisor, Berry College*  
          *Telephone: (706) 232-5374*  
          *Address: Berry College, P.O. Box 495053, 2277 Martha Berry Hwy, Mount Berry, GA*  
          *30149.*
- g)     *Name: Martin L. Cipollini*  
          *Current Position: Dana Professor of Biology, Berry College*  
          *Telephone: (706) 232-5374*  
          *Address: Berry College, P.O. Box 495053, 2277 Martha Berry Hwy, Mount Berry, GA*  
          *30149.*
- h)     *Name: Mark Hopkins*  
          *Current Position: Employee, Physical Plant, Berry College*  
          *Telephone: (706) 232-5374*  
          *Address: Berry College, P.O. Box 495053, 2277 Martha Berry Hwy, Mount Berry, GA*  
          *30149.*

10.     Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.

*Berry reviewed its records of waste generation for the period beginning 1995 through September 2008.*

11.     If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

*Berry is not aware of any persons who may be able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents.*

12.     Did you ever enter into an oral or written contract or otherwise do business with either Chemical Assistance, Inc., Environmental Network, Inc., or Donald Haugen for the purpose of arranging for the storage, treatment or disposal of waste materials?

No.

If you did, please identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) The contact information for each person with whom such arrangements were made;
- c) Every date on which such arrangements took place;

- d) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
- e) The owner of the waste materials or hazardous substances so accepted or transported;
- f) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- g) All tests, analyses and analytical results concerning the waste materials;
- h) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- i) The amount paid in connection with each transaction, the method of payment and the identity of the person from whom payment was received;
- j) Where the person identified in g. above intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- k) Whether the waste materials or hazardous substance involved in each transaction were transhipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all marking on such containers;
- o) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material and hazardous substance;
- p) All documents containing information responsive to a)-p) above, or in lieu of identification of all relevant documents, provide copies of all such documents;
- q) All persons with knowledge, information or documents responsive to questions a through p, above.